

REMARKS

Claims 1-18 are pending in the present application. Claims 1, 8, 12 and 17 are independent.

Applicant wishes to thank the Examiner for the courtesy of extending an interview to Applicant's representative on December 18, 2001. During the interview, Applicant's representative emphasized the differences between the present invention and the prior art with particular reference to Kubo et al. (U.S. Patent No. 5,828,401). The scanning system disclosed by Kubo et al. performs a pre-scan and then processes the pre-scan data to determine reading conditions for the fine scan. The fine scan is performed without any additional correction parameters being determined based on processing of the fine scan data. On the other hand, Applicant's representative further explained that the present invention uses both the pre-scan or first scan data and further uses fine scan or second data to determine correction conditions for processing the fine scan data.

The Examiner then reviewed independent claims 1, 8, 12 and 17 and stated that it appeared that the claims avoided the cited art, but he would give the issue further consideration upon receiving a response from the Applicant.

Claims 1-6, 8-13 and 15-17 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Kubo et al. (U.S. Patent No. 5,828,461). Applicant respectfully traverses this rejection.

According to MPEP § 2131, to anticipate a claim, a reference must teach every element of the claim. As discussed in the previous response, Kubo et al. fails to teach each and every feature of independent claims 1, 8, 12 and 17.

For example, Kubo et al. disclose different types of scans including a first scan for a monochrome image reading at a low resolution, a pre-scan for three color image reading at low resolution and fine scan for three color image reading at high resolution. The reading conditions for the fine scan are set by the pre-scan data and are not generated by any processing of the fine scan data. Additionally, the fine scan data is subjected to correction based on processing conditions generated using the pre-scan data and also pre-set correction conditions.

Since Kubo et al. do not use the fine scan data to generate parameters to be used in processing the fine scan data, Kubo et al. do not teach all the features of independent claims 1, 8, 12 and 17. For example, Kubo et al. do not disclose, “generating a correction condition by processing the first image data and the second image data; and applying the correction condition to the second image data,” as recited by claim 12. Additionally, Kubo et al. do not teach “analyzing both data of a preset area of the original image for both the prescanned data and the fine scanned data to calculate image characteristic values of the prescanned data and the fine scanned data of said preset area,” as recited by claim 1, and “a correction condition setting subsection

adapted to compare image data from the first scan and the second scan and develop a correction condition such that the first scan data and the second scan data match,” as recited by claim 17 and similarly claim 8.

Accordingly, claims 1, 8, 12 and 17 are allowable over the prior art. Regarding dependent claims 2-6, 9-13 and 15-16, these claims are allowable for at least the same reasons as the corresponding independent claims 1, 8, 12 and 17. Therefore, Applicant respectfully requests removal of this rejection.

Claims 7, 14 and 18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kubo et al. in view of Sakaguchi (U.S. Patent No. 5,995,201). Applicant respectfully traverses this rejection.

Kubo et al. and Sakaguchi, either alone or in combination, do not teach all the features of claims 7, 14 and 18. As discussed above, Kubo et al. fails to teach all the features of claim 1, 12 and 17 from which claims 7, 14 and 18 depend. Sakaguchi discloses a print method for making a plurality of sizes of prints from a plurality of images of different sizes without causing deterioration of image quality. However, Sakaguchi does not make up for the deficiencies of Kubo et al.

Accordingly, claims 7, 14 and 18 are allowable over the prior art, and Applicant respectfully requests withdrawal of this rejection.

CONCLUSION

The Examiner is respectfully requested to enter this Request for Reconsideration in that it raises no new issues and places the application in condition for allowance, or in the alternative better form for Appeal. Early and favorable notice to that effect is respectfully solicited.

In the event that any matters remain at issue in the application, the Examiner is invited to contact Jayne Saydah (Reg. No. 48,796) at (703) 205-8000 in the Northern Virginia area, for the purpose of a telephonic interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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